

that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, is a reality and that justice is rendered fairly and impartially.

Another aspect of the problem created by Republicans that we have worked hard to improve is a dramatic reduction in the number of judicial emergency vacancies. Nearly half of the judicial nominees the Senate has confirmed while I have chaired the Judiciary Committee have filled vacancies classified by the Administrative Office of the Courts as judicial emergency vacancies. Eighteen of the 27 circuit court nominees confirmed while I have chaired the committee filled judicial emergency vacancies, including 9 of the 10 circuit court nominees confirmed this Congress. When President Bush took office, there were 28 judicial emergency vacancies. Now that number is 13, fewer than half.

Of course, we have made this progress even while devoting extensive time and attention to rebuilding the Justice Department in the wake of the scandals of the Gonzales era and the Bush-Cheney administration.

At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and virtually all of its highest ranking officials, along with several high ranking White House officials.

Earlier this month the Judiciary Committee held its ninth hearing to restock and restore the leadership of the Department of Justice in the last year alone, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. We have already confirmed 35 executive nominations so far this Congress and are poised to add to this total, having reported out of committee this month another six high-level executive nominations, including

the nomination of Greg Garre to be Solicitor General of the United States, one of the highest and most prestigious positions at the Department of Justice, and of J. Patrick Rowan to be the Assistant Attorney General in charge of the National Security Division.

The reduction in judicial vacancies is one of the few areas in which conditions have actually improved over the last couple of years. I wish we could say the same about unemployment or the price of gas or food, or the condition of our financial markets and housing markets. The economy has experienced job losses every month this year, and they now total more than 650,000. Compare the progress we have made on filling judicial vacancies with what has happened to cost of gasoline, food prices, health care costs, inflation, the credit crisis, home mortgages, and the national debt. All those indicators have been moving in the wrong direction, as is consumer confidence and the percentage of Americans who see the country as on the wrong track.

The American people are also best served by a Federal judiciary they can trust to apply the law fairly regardless of who walks into the courtroom. The judiciary is the one arm of our Government that should never be political or politicized, regardless of who sits in the White House. I have continued to work in the waning days of this Congress with Senators from both sides of the aisle to confirm an extraordinary number of nominees late in the election year. I will continue to work with the next President to ensure that the Federal judiciary remains independent and able to provide justice to all Americans, without fear or favor.

LEGISLATIVE SESSION

MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION REAUTHORIZATION AND IMPROVEMENT ACT OF 2008

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 622, S. 2304.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2304) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illness, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.

Sec. 4. Law enforcement response to mentally ill offenders improvement grants.

Sec. 5. Improving the mental health courts grant program.

Sec. 6. Examination and report on prevalence of mentally ill offenders.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.

(a) *AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.*—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793aa(h)) is amended—

(1) in paragraph (1), by striking at the end "and";

(2) in paragraph (2), by striking "for fiscal years 2006 through 2009." and inserting "for each of the fiscal years 2006 and 2007; and"; and

(3) by adding at the end the following new paragraph:

"(3) \$75,000,000 for each of the fiscal years 2009 through 2014."

(b) *ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.*—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking "There are authorized" and inserting "(1) IN GENERAL.—There are authorized"; and

(3) by adding at the end the following new paragraph:

"(2) *ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.*—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year."

(c) *ADDITIONAL APPLICATIONS RECEIVING PRIORITY.*—Subsection (c) of such section is amended to read as follows:

"(c) *PRIORITY.*—The Attorney General, in awarding funds under this section, shall give priority to applications that—

"(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

"(2) promote effective strategies for identification and treatment of female mentally ill offenders; or

"(3)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

"(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

"(C) document, in the case of an application for a grant to be used in whole or in part to